

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

November 12, 2009

The Marlboro Township Council held its regularly scheduled meeting on November 12, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 2, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor (via skype), Council Vice President LaRocca, Councilwoman Marder, Councilwoman Tragni and Council President Rosenthal. Councilwoman-elect Carol Mazzola and Councilman-elect Scott Metzger were also present.

Also present were: Mayor Jonathan L. Hornik, Jonathan Williams, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco and Deputy Clerk Deborah Usalowicz.

Council Vice President LaRocca moved that the minutes of October 1 and October 15, 2009 be approved. This motion was seconded by Councilwoman Tragni and the minutes were passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-34 (Amend Chapter 40 - Alarm Systems - Changing Penalty Provisions). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #

2009-386/Ord. # 2009-34 (Amend Chapter 40 - Alarm Systems - Changing Penalty Provisions) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-386

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-34

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40,
"ALARM SYSTEM REGULATIONS

which was introduced on October 15, 2009, public hearing held November 12, 2009, be adopted on second and final reading this 12th day of November, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2009-418 (Change Meeting Date - Dec. 3 to Dec. 10, 2009) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-418

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for December 3, 2009 be changed to December 10, 2009.

BE IT FURTHER RESOLVED that the meeting will take place at the usual time and place, 8 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

The following Res. # 2009-410/Ord. # 2009-45 (Dissolution of MTMUA) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Tragni and the resolution was passed on a roll call vote of 4 - 1 in favor with Councilman Cantor voting no.

RESOLUTION # 2009-410

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-45

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO DISSOLVING THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20 AND MAKING ADEQUATE PROVISION FOR THE PAYMENT OF CREDITORS OR OBLIGES OF THE AUTHORITY AND THE ASSUMPTION OF THE SERVICES PROVIDED BY THE AUTHORITY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2009-45

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO DISSOLVING THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20 AND MAKING ADEQUATE PROVISION FOR THE PAYMENT OF CREDITORS OR OBLIGES OF THE AUTHORITY AND THE ASSUMPTION OF THE SERVICES PROVIDED BY THE AUTHORITY

WHEREAS, the governing body of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), created The Marlboro Township Municipal Utilities Authority (the "Authority") in accordance with the provisions of Chapter 183 of the Laws of 1957 of the State of New Jersey, Chapter 14B of Title 40 of the Revised Statutes of the State of New Jersey and acts amendatory thereof or supplemental thereto; and

WHEREAS, after a careful examination and analysis, the Township has determined that it is in the best interests of the residents of the Township and the users of the system of the Authority to dissolve the Authority, and for the Township to assume the water utility services and to provide for the financial obligations of the Authority as set forth herein; and

WHEREAS, the Township desires to dissolve the Authority in accordance with and in fulfillment of the provisions of N.J.S.A. 40A:5A-20.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, as follows

Section 1. Dissolution.

The Marlboro Township Municipal Utilities Authority, created by the Township by ordinance adopted on or about May 24, 1962, as amended, be and the same is hereby dissolved, subject to the terms and conditions hereof.

Section 2. Transfer of Title to All Facilities.

Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, all real and personal property, facilities and contracts of the Authority, and all monies and funds held by or for the Authority shall be deemed transferred to and become the property of the Township. The existing officers of the Authority are hereby authorized and directed to execute any documents or instruments necessary to transfer legal title to all real property, personal property, facilities, contracts and monies and funds to the Township upon the effective date of the dissolution herein, notwithstanding the dissolution of the Authority. All documents and records of the Authority shall be delivered to the Township Clerk prior to the effective date of the dissolution

Section 3. Payment of All Creditors and Obligees.

Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, the Township shall assume all legal obligations to pay all existing and outstanding creditors and obligees of the Authority. The Township shall issue appropriate debt obligation of the Township in accordance with N.J.S.A. 40A:2-1 et seq. and N.J.S.A. 40A:5A-20 in order to defease the outstanding bonds of the Authority. Simultaneous with the adoption of this ordinance the Township has adopted a bond ordinance for the refunding of the following outstanding obligations of the Authority: \$5,500,000 of the originally issued \$5,500,000 Water Revenue Bonds (Series 2008) (the "2008 Bonds"), \$1,989,000 of the originally issued \$2,047,000 Water Revenue Refunding Bonds (Series 2007) (the "2007 Bonds"), \$5,280,000 of the originally issued \$5,700,000 Water Revenue Bonds (Series 2005) (the "2005 Bonds"), \$5,185,000 of the originally issued \$5,365,000 Water Revenue Refunding Bonds (Series

2003) (the "2003 Bonds"), \$870,000 of the originally issued \$1,565,000 Water Revenue Bonds (Series 1998) (the "1998 Bonds"), and \$4,010,000 maturity value of the originally issued \$16,444,624.65 Water Revenue Refunding Bonds (Series 1993) (the "1993 Bonds", and collectively with the 2008 Bonds, the 2007 Bonds, the 2005 Bonds, the 2003 Bonds and the 1998 Bonds, the "Authority Debt to be Defeased").

Section 4. Assumption of Services Provided by the Authority.

Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, the Township shall own and operate the facilities previously owned by the Authority as a water utility, and effective as of said date, the Township hereby creates a water utility. The Township shall amend its ordinances to effectuate the operation of said facilities as a water utility. Upon the effective date of the dissolution as set forth in Section 5 of this ordinance, the Township shall assume the operation of the services previously provided by the Authority, which services are necessary for the health, safety and welfare of the users of the system.

Section 5. Effective Date of Dissolution.

The dissolution of the Authority shall take effect simultaneously with the issuance of debt obligations of the Township to refund the Authority Debt to be Defeased, the defeasance of the Authority Debt to be Defeased, and the transfer of all funds from the Authority to the Township.

Section 6. Limitation on Actions by Authority.

So as to provide for an orderly transition of the services provided by the Authority, the ordinance creating the Authority is hereby amended to provide that the Authority shall not be authorized to issue or authorize any obligations, to approve or enter into any contracts or to take any other actions which may impair or affect the Township's operation of the water facilities without the prior consent of the Township as evidenced by a resolution of the Township Council; provided, however, that the Authority may pay its legally due debt and bills incurred in the ordinary course without the prior consent of the Township, and, provided further, that this provision will not affect the Authority's obligations under its existing contracts or its obligations to the holders of its bonds.

Section 7. Authorization of Township and Authority to Take all Necessary Action.

The Township shall prepare a closing audit of the Authority after the dissolution of the Authority is effectuated. Additionally, the members of the Township Council, the Mayor, Township Administrator, Chief Financial Officer, Township Clerk and other employees, as directed by the Township Administrator and/or the Mayor, are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance. The members of the Authority, its officers, employees, engineer and counsel are hereby authorized and directed to take all steps necessary to effectuate the purposes of this ordinance.

Section 8. Approval of Local Finance Board; Filing.

This ordinance shall be submitted to and approved by the Local Finance Board of the State of New Jersey prior to final adoption in accordance with the requirements of N.J.S.A. 40A:5A-20 and the final adoption of this ordinance by the Township shall represent conclusive proof of the fact that this ordinance has received the approval of the Local Finance Board. Immediately upon adoption of this ordinance, this ordinance shall be filed with the Local Finance Board and with the Secretary of State of New Jersey, in accordance with N.J.S.A. 40A:5A-20.

Section 9. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 10. Repeal of All Inconsistent Ordinances;

All ordinances of the Township which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 11. Effective Date.

This ordinance shall take effect immediately upon the adoption hereof and shall not be subject to referendum.

The following Res. # 2009-411/Ord. # 2009-46 (Creating Water Utility Division) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Tragni and the

resolution was passed on a roll call vote of 4 - 1 in favor with Councilman Cantor voting no.

RESOLUTION # 2009-411

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-46

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO CREATE A WATER UTILITY DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS, FOR THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-46

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO CREATE A WATER UTILITY DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS, FOR THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey (the "Township"), has determined that it is in the best interests of the residents of the Township to dissolve the Marlboro Township Municipal Utilities Authority ("MTMUA"); and

WHEREAS, the Township has introduced an Ordinance entitled: "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO DISSOLVING THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20 AND MAKING ADEQUATE PROVISION FOR THE PAYMENT OF CREDITORS OR OBLIGEEES OF THE AUTHORITY AND THE ASSUMPTION OF THE SERVICES PROVIDED BY THE AUTHORITY", which Ordinance was introduced on November 12, 2009; and

WHEREAS, pursuant to Section 4 of the aforesaid Ordinance, the Township desires to create a Division of Water Utility within the Department of Public Works for the purpose of operating the facilities previously operated by the MTMUA; and

WHEREAS, the Township desires to effectuate the operation of said facilities as a water utility in accordance with the provisions of the Ordinance dissolving the MTMUA, in order to continue to provide water services necessary for the health, safety and welfare of the users of the water system.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, that Chapter 4 "Administration of Government", Article XIX, "Department of Public Works", Section 4-136 "Department Established; Organization", of the Code of the Township of Marlboro is hereby amended and supplemented as follows:

§ 4-136. Department established; organization

A. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. The Department of Public Works shall consist of the following divisions:

- (1) Division of Streets and Roads
- (2) Division of Buildings and Grounds
- (3) Division of Vehicle Maintenance
- (4) Division of Water Utility

The remainder of this Section 4-136 shall remain unchanged and in full force and effect; and

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, that the Code of the Township of Marlboro is hereby amended and supplemented to create Division of Water Utility as follows:

SECTION 1. CREATION OF DIVISION OF WATER UTILITY.

1-1 A. Establishment; Control.

There shall be within the Department of Public Works a Division of Water Utility (the "Division"). The head of the Division shall be the Superintendent of Water Utility. Under the direction and supervision of the Superintendent, the Division shall have the duties and responsibilities set forth herein.

1-1 B. Purpose.

The purpose of the Division of Water Utility shall be to acquire, construct, maintain, operate or improve facilities for the accumulation, supply or distribution of water and to provide for the financing of these facilities as authorized by N.J.S.A. 40A:31-1, et seq.

SECTION 2. Division of Water Utility

2-1 Scope.

It is the purpose of this Chapter to empower the Township of Marlboro, through the Division of Water Utility, to perform all such reasonable and necessary functions in connection with providing water supply as afforded to the Township by the provisions of N.J.S.A. 40A:31-1 et seq., without limitation, and the collection of fees therefor. The provisions of this Chapter are subject to the ability of the Township to provide water service to the extent permitted by law, and in accordance with the terms and conditions of any existing contracts which are legally binding upon the Township. The Division of Water Utility shall serve the area shown on the "Map of The Marlboro Township Municipal Utilities Authority" which is on file in the office of the Township Clerk.

2-2 Definitions.

As used in this Chapter:

A. "Water Utility" shall mean the water utility of the Township, operated by the Division acting pursuant to the direction of the Township through its elected and appointed officials, and performing all functions pertaining to the collection, storage and distribution of an adequate water supply heretofore performed by the MTMUA, and as may hereafter be necessary in connection with any additional facilities hereafter constituting part of the Township's Water System.

B. "Superintendent" shall mean the duly appointed head of the "Division of Water Utility"

C. "Customer" shall mean the party contracting for water service and/or any owner, agent or occupant responsible for the payment of the fees specified herein.

D. "Connection Fee" shall have the meaning and purpose provided by N.J.S.A. 40A:31-11.

F. "Director" shall mean the Director of the Department of Public Works.

E. "Water System" means the plants, structures or other real and personal property acquired, constructed or operated, or to be financed, acquired, constructed or operated, or any parts thereof, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks, or sources of water supply, well, purification or filtration plants, or other plants or works, connections, rights of flowage or diversion, and other plants, structures, boats, conveyances and other real and personal property, or rights therein, and appurtenances necessary or useful for the accumulation, supply or distribution of water.

2-3 Authorization to Adopt Rules and Procedures.

The Director is empowered to adopt, rules and regulations proper and necessary to enable the Division to perform the purposes enumerated herein. These rules and regulations shall be placed on file in the Office of the Township Clerk.

2-4 Transition Period.

There is hereby established a transition period of 120 days duration, during which time the Director shall assume the operation of the Water Utility functions heretofore carried out by the Marlboro Township Municipal Utilities Authority. During such transition time, which may be extended by Resolution of the Township for such reasonable time as it deems proper and just, the Director shall utilize the "Marlboro Township Municipal Utilities Authority Rules and Regulations, Revised: February 1987" which are on file in the Office of the Township Clerk, until such time as rules, regulations and procedures are adopted by the Director and placed on file in the Office of the Township Clerk.

2-5 Reservation of Powers.

To the extent not specifically set forth herein, the Township Council of the Township of Marlboro specifically reserves unto itself all those certain powers, rights and responsibilities as set forth at length in N.J.S.A. 40A:31-1 et seq.; which provisions may be deemed by the Township necessary for the operation of the Water Utility.

2-6 Right of Access.

The Township, through the Division or otherwise, shall have a right of access to any customer's premises and to all equipment and property of the Township at reasonable times for the purpose of reading meters, inspecting, repairing or replacing equipment used in connection with the supplying of water, or for the removal of equipment or property. The customer shall obtain for the Township all necessary permission from tenants or others for access to equipment or property. Customers shall not permit access to meters or other Township property except by authorized employees of the Township or other authorized state or local inspectors.

2-7 Violations and Penalties.

Any person, firm or corporation violating the provisions of this Chapter or any succeeding ordinances or resolutions pertaining to the subject matter of this Chapter which might be enacted or adopted shall be punished in accordance with the fines and penalties established by Section 4-3 of the Code of Marlboro Township.

2-8 Collection of all Charges; Interest.

All connection, user, and other fees and charges set forth in this chapter shall draw the same interest from the time that they became due as taxes upon real estate in the Township and shall be a lien upon the premises connected until paid. The Township shall have the same remedies for the collection thereof, with interest, cost and penalties as it has for the collection of taxes upon real property.

2-9 Bond Required; Work to be Guarded; Restoration of Disturbed Public Property.

Each contractor or other person performing work on Township public property for the purpose of installing water connections shall post a Bond acceptable to the Township. All work shall be adequately guarded with barricades, lights and other measures for protection of the public from hazard. Streets, sidewalks, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

2-10 Permits Required for Connection to Water Supply.

No person shall uncover, make any connection with or opening into, use, alter or disturb any part of the water system without first obtaining a written permit for same.

2-11 Application for Water Service.

- A. Water service connections shall be made upon written application to the Division on forms furnished by the Division and signed by the owner of the property or by a duly authorized agent.
- B. No application for service will be accepted for installation between December 15 and April 15, unless the property owner agrees to pay the additional cost that may be incurred because of adverse weather conditions during this period.
- C. All inspection fees for the connection into the water system shall be paid by the applicant pursuant to the rate schedule in place at the time of the application.

2-12 Approval of Application.

Approval of an application for a water connection can only be made if it has been determined that a water main approved by the Township exists in front of the applicant's property or in the public right-of-way. The main shall extend the length of the applicant's property and if it does not so extend it shall be extended at the applicant's expense in accordance with Township specifications.

2-13 Tampering with Water Utility.

No person or persons shall in any manner, without permission, connect or disconnect or tamper or interfere with the water system of the Township.

2-14 Refusal to connect; Inadequate Water Service.

- A. The Department may refuse to connect to any customer's piping system or to supply water services to a system if said system has not been designed or installed in accordance with the applicable regulations or if any parts of the piping system have not been installed at sufficient depth to prevent freezing.
- B. The Township shall not be responsible for any inadequacy of water service should the customer make alterations, changes or additions to an existing system without notifying the Division in advance of any proposed alterations, changes or additions. In case of defective service, the customer shall not interfere with meters or other property of the Township, but shall immediately notify the Division.

2-15 Complaints.

Complaints concerning the character of the service furnished or the reading of meters or bills rendered shall be made to the Division in writing. A record of all such written complaints will be maintained by the Division to show the names and addresses of the complainants, dates and nature of the complaints and the action taken thereon.

2-16 Water Utility Fund

All future revenue and the accounting therefore from the Water Utility shall be on a dedicated utility basis in conformance with the provisions of N.J.S.A. 40A:4-33, 34 and 35. All monies derived from the operation of said Water Utility and any other monies applicable to its support shall be segregated and kept in a separate fund which shall be known as the "Water Utility Fund". All disbursements for the operation and maintenance of the Water Utility shall be taken from the Water Utility Fund.

2-17 Budget

The dedicated budget of the Water Utility shall include appropriations for operating expenses, capital improvements, debt service and for the portion of all other deferred charges and statutory expenses as may be required or allowed.

2-18 Broken Lines.

The Division shall provide written notice to a customer of the existence of a broken service line and the customer shall repair same no later than ten (10) days from service of the written notice of the existence of a broken service line. Nothing herein shall prevent the Division from undertaking any action required to preserve public health, safety and welfare in the event that the broken service line is a danger to public health, safety and welfare.

2-19 Water Customer Charges.

A. The customer charges established by the MTMUA shall continue in full force and effect until such time as the Township Council establishes a new schedule of charges and fees for water and incidental services. The customer charges established by the MTMUA are on file in the Office of the Township Clerk and bear an effective date of December 1, 2008 as to Water Rates, and an effective date of July 2, 2009 as to connection/tapping and meter fees.

B. The Township Council shall, from time to time, establish a schedule of charges and fees for water and incidental services to be provided by the Water Utility. The schedule of charges shall be affixed at the end of this Chapter as Schedule A and shall include all fees to be charged to all customers of the Water Utility.

2-20 Water Connection Required When Water Supply Available

A. The owner of every existing building or structure and the owner of every building or structure hereafter to be constructed or acquired which may be occupied or used by human beings, including but not limited to dwellings and commercial and industrial structures located on a street or road along the line of a water supply system owned or operated by the Township and available to serve said building or structure, where the property line of a lot in a residential zone containing said building or structure is within one hundred (100) feet of said water supply system, and where the property line of a lot in a commercial or industrial zone containing said building or structure is within four hundred (400) feet of said water supply system, shall, within ninety (90) days after the date on which the water supply is made available to said building or structure, connect and hookup said building or structure to said water supply system.

B. Any person, association or corporation who shall fail to comply with this Article within ninety (90) days after receiving notice from the Health Officer of the Township of Marlboro or from the Division of Water Utility shall, upon complaint in the Municipal Court of the Township of Marlboro, be subject to the fines and penalties established by Section 4-3 of the Code of Marlboro Township.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, that Article II, entitled "Water Supply System Connections" of Chapter 143 "Water" is hereby deleted in its entirety.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. REPEAL OF ALL INCONSISTENT ORDINANCES.

All ordinances of the Township of Marlboro which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. EFFECTIVE DATE

The foregoing ordinance shall take effect as provided by law.

The following Res. # 2009-412/Ord. # 2009-47 (Bond Ordinance in connection with MTMUA dissolution) was introduced by reference, offered by Councilman LaRocca and seconded by Council President Rosenthal and the resolution was passed on a roll call vote of 4 - 1 in favor with Councilman Cantor voting no.

RESOLUTION # 2009-412

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-47

BOND ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING AS PART OF THE DISSOLUTION OF THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS OF SUCH AUTHORITY ISSUED TO FINANCE SUCH AUTHORITY'S WATER SYSTEM, APPROPRIATING NOT TO EXCEED \$24,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF NOT TO EXCEED \$24,500,000 BONDS OR NOTES OF THE TOWNSHIP FOR SUCH PURPOSE

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-47

BOND ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING AS

PART OF THE DISSOLUTION OF THE MARLBORO TOWNSHIP MUNICIPAL
UTILITIES AUTHORITY FOR THE REFUNDING OF CERTAIN
OUTSTANDING OBLIGATIONS OF SUCH AUTHORITY ISSUED TO
FINANCE SUCH AUTHORITY'S WATER SYSTEM, APPROPRIATING
NOT TO EXCEED \$24,500,000 THEREFOR AND AUTHORIZING
THE ISSUANCE BY THE TOWNSHIP NOT TO EXCEED \$24,500,000
BONDS OR NOTES OF THE TOWNSHIP FOR SUCH PURPOSE

WHEREAS, the Township Council of the Township of Marlboro (the "Township"), in the County of Monmouth, State of New Jersey, has determined, pursuant to the provisions of the Local Authorities Fiscal Control Law (the "Authorities Control Law"), specifically N.J.S.A. 40A:5A-20, to dissolve The Marlboro Township Municipal Utilities Authority (the "Authority"); and

WHEREAS, the Authority has certain series of bonds outstanding consisting of \$5,500,000 of the originally issued \$5,500,000 Water Revenue Bonds (Series 2008) (the "2008 Bonds"), \$1,989,000 of the originally issued \$2,047,000 Water Revenue Refunding Bonds (Series 2007) (the "2007 Bonds"), \$5,280,000 of the originally issued \$5,700,000 Water Revenue Bonds (Series 2005) (the "2005 Bonds"), \$5,185,000 of the originally issued \$5,365,000 Water Revenue Refunding Bonds (Series 2003) (the "2003 Bonds"), \$870,000 of the originally issued \$1,565,000 Water Revenue Bonds (Series 1998) (the "1998 Bonds"), and \$4,010,000 maturity value of the originally issued \$16,444,624.65 Water Revenue Refunding Bonds (Series 1993) (the "1993 Bonds", and collectively with the 2008 Bonds, the 2007 Bonds, the 2005 Bonds, the 2003 Bonds and the 1998 Bonds, the "Prior Bonds"); and

WHEREAS, the Township, as part of the dissolution of the Authority and in connection with the provision for the payment of all creditors or obligees of the Authority, desires to refund all such Prior Bonds; and

WHEREAS, the Township, simultaneously with the dissolution of the Authority, has provided for the transfer of the Authority's water operations to the Township and for the creation of a separate water utility within the Township; and

WHEREAS, pursuant to the Authorities Control Law and the applicable provisions of the Local Bond Law, N.J.S.A. 40A:2-1 at seq. (the "Local Bond Law"), the Township is authorized to issue obligations in furtherance of the dissolution of the Authority.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not

less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. In connection with the dissolution of the Authority, the Township is hereby authorized to refund the outstanding Prior Bonds of the Authority referred to herein or otherwise remaining unpaid, and, in order to provide for such refunding, the sum of \$24,500,000 is hereby appropriated. As provided in N.J.S.A. 40A:5A-20, the provisions of N.J.S.A. 40A:2-11 are inapplicable to this ordinance, and no down payment is required. The estimated cost of the improvement or purpose to be financed under this Bond Ordinance is equal to the amount of the appropriation herein made therefor.

SECTION 2. In order to finance all or a portion of the appropriation for the purpose described in Section 1 hereof, negotiable bonds are hereby authorized to be issued by the Township in an amount not to exceed \$24,500,000 pursuant to the Local Bond Law and the provisions of the Authorities Control Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

SECTION 4. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form

promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (the "Director") is on file with the Township Clerk and is available there for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 1 hereof to be undertaken by the Township as a result of the dissolution of the Authority is an authorized purpose for which the bonds and notes may be issued. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) In accordance with the provisions of the Authorities Control Law, the period of usefulness of the purpose described herein is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$24,500,000, and that the obligations authorized herein will be within the debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$675,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose described in Section 1 hereof.

SECTION 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds and notes authorized by this bond ordinance. Such bonds and notes shall be direct, unlimited obligations of the Township, and to the extent not paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of such bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 7. If any section, subsection, sentence, clause or phrase of this bond ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction,

such decision shall not affect the remaining portions of this bond ordinance.

SECTION 8. This foregoing bond ordinance shall take effect immediately upon adoption and shall not be subject to referendum, as provided in N.J.S.A. 40A:5A-20.

The following Res. # 2009-413 (Resolution Authorizing Application to Local Finance Board in connection with MTMUA dissolution) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni and the resolution was passed on a roll call vote of 4 - 1 in favor with Councilman Cantor voting no.

RESOLUTION # 2009-413

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO MAKE APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-20 FOR THE DISSOLUTION OF THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND ISSUANCE OF BONDS BY THE TOWNSHIP OF MARLBORO IN FURTHERANCE OF THE DEFEASANCE OF DEBT OF THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Township of Marlboro desires to make application to the Local Finance Board, for its review and approval of an Ordinance authorizing the dissolution of The Marlboro Township Municipal Utilities Authority (the "MTMUA"), in accordance with the requirements of N.J.S.A. 40A:5A-20; and

WHEREAS, in conjunction with the Township's desire to dissolve the MTMUA, it has introduced Ordinances to dissolve the MTMUA and make provision for, the payment of all creditors and obligees of the MTMUA, the defeasance of debt of the MTMUA through the issuance of Township debt, and the assumption of the services provided by the MTMUA by the Township through the establishment of a water utility upon the effective date of the dissolution of the MTMUA.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

Section 1. The application to the Local Finance Board for its approval of the proposed dissolution of The Marlboro Township Municipal Utilities Authority, the proposed issuance of bonds by the Township of Marlboro to defease the debt of the MTMUA, and the assumption of the services provided by the MTMUA through the establishment of a water utility is hereby authorized and the

Township Attorney, Auditor and other representatives of the Township are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of Marlboro Township is hereby directed to prepare and file a copy of the proposed ordinances with the Local Finance Board as part of such application.

BE IT FURTHER RESOLVED, that the Township of Marlboro respectfully requests that the Local Finance Board consider the application and record its findings, recommendations and/or approvals as required by N.J.S.A. 40A:5A-20.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Local Finance Board
- b. The Marlboro Township Municipal Utilities Authority
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Auditor
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-387/Ord. # 2009-35 (Codification of Code of Township of Marlboro) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal and the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-387

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-35

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-35

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Marlboro of a general and permanent nature adopted by the Township Council of the Township of Marlboro, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 362, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of Marlboro," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1981 Code, adopted 12-10-1981 by Ord. No. 47-81, all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Marlboro by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Marlboro" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of Marlboro, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Marlboro to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Marlboro which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 6-18-2009.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.

K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

L. Any ordinance adopting or amending the Zoning Map.

M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

N. All ordinances relating to vehicles and traffic.

§ 1-14. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. The following nomenclature changes have been made throughout the Code:

(1) Magistrate to Judge.

(2) State Department of Health to State Department of Health and Senior Services.

(3) In the following sections, Township Treasurer has been changed to Chief Financial Officer: §§ 220-16D through F, 220-30B(1), 265-26, 265-36, 337-15E.

C. Statutory references in the text of ordinances have been updated and/or revised to reflect the current statutory citation.

D. In the following sections, the penalties have been amended to refer to the general penalty in § 4-3 of the Code (minimum fines retained): §§ 45-8; 76-16, 88-12, 94-8, 94-17A, 94-21, 94-27, 94-32, 100-2, 107-7, 113-10A, 144-4, 158-8, 164-3, 177-5, 183-33, 183-40, 200-7B, 206-9, 212-18, 212-38, 220-25C, 235-29, 241-7, 246-4, 246-7, 246-10, 252-3, 258-7A, 258-12A, 265-14, 265-28, 265-29, 265-38, 271-11, 278-9, 278-17, 284-8A, 295-21, 295-27, 312-7A, 326-5, 337-22B, 345-6, 350-6, 356-5, 356-7, 356-16A, 356-21, 362-23.

E. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.) *SCHEDULE A IS ON FILE IN CLERK'S OFFICE

The following Res. # 2009-388/Ord. # 2009-36 (Amend Chapter 84 - Permitted Uses C-2 Zone) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-388

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-36

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-51, "C-2 NEIGHBORHOOD COMMERCIAL DISTRICT", SUB-SECTION 84-51(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE COMMERCIAL EDUCATIONAL USES TO MEET PARKING RECOMMENDATIONS OF THE ITE PARKING MANUAL

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-36

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-51, "C-2 NEIGHBORHOOD COMMERCIAL DISTRICT", SUB-SECTION 84-51(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE COMMERCIAL EDUCATIONAL USES TO MEET PARKING RECOMMENDATIONS OF THE ITE PARKING MANUAL

WHEREAS, Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-51, C-2 Neighborhood Commercial District, Sub-Section 84-51(A) Permitted Uses of the Code of the Township of Marlboro ("Township") sets forth the permitted uses within the C-2 Neighborhood Commercial District; and

WHEREAS, the Mayor and the Township Council have determined that it is in the best interests of the Township to require commercial educational uses in the C-2 district to meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-51, C-2 Neighborhood Commercial District, Sub-Section 84-51(A) Permitted Uses, of the Code of the Township of Marlboro be and hereby is amended and supplemented to require commercial educational uses in the C-2 district to meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition as follows:

§ 84-51. C-2 Neighborhood Commercial District.

The following regulations shall apply in the C-2 Neighborhood Commercial District:

A. Permitted uses. One or a combination of retail and/or service uses of a neighborhood nature of the following types:

- (1) General merchandise.
- (2) Food.
- (3) Apparel and accessories.
- (4) Eating and drinking establishments, except drive-in restaurants.
- (5) Variety stores.
- (6) Drugstores.
- (7) Liquor stores.
- (8) Florists.

- (9) Finance, insurance and real estate services.
- (10) Personal services.
- (11) Business services.
- (12) Principal and accessory residences as existing or approved at the time of the passage of this section.
- (13) Professional services.
- (14) Government buildings and grounds.
- (15) Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- (16) Commercial Educational uses, provided that each use meets the parking recommendations of the ITE Parking Generation Manual, 3rd or most current Edition.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-389/Ord. # 2009-37 (Amend Chapter 84 - Permitted C-3 Zone) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-389

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-37

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-52, "C-3 COMMUNITY COMMERCIAL DISTRICT", SUB-SECTION 84-52(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE ASSEMBLY HALLS, THEATERS, BOWLING ALLEYS AND OTHER SIMILAR COMMERCIAL RECREATIONAL ACTIVITIES IN THE C-3 COMMUNITY COMMERCIAL DISTRICT TO MEET THE PARKING RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-37

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-52, "C-3 COMMUNITY COMMERCIAL DISTRICT", SUB-SECTION 84-52(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE ASSEMBLY HALLS, THEATERS, BOWLING ALLEYS AND OTHER SIMILAR COMMERCIAL RECREATIONAL ACTIVITIES IN THE C-3 COMMUNITY COMMERCIAL DISTRICT TO MEET THE PARKING RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL

WHEREAS, Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-52, C-3 Community Commercial District, Sub-Section 84-52(A) Permitted Uses of the Code of the Township of Marlboro ("Township") sets forth the permitted uses within the C-3 Community Commercial District; and

WHEREAS, the Mayor and the Township Council have determined that it is in the best interests of the Township to require that assembly halls, theaters, bowling alleys and other similar commercial recreational activities in the C-3 Community Commercial District meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of

New Jersey that Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-52, C-3 Community Commercial District, Sub-Section 84-52(A) Permitted Uses, of the Code of the Township of Marlboro be and hereby is amended and supplemented to require assembly halls, theaters, bowling alleys and other similar commercial recreational activities in the C-3 Community Commercial District to meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current edition as follows:

§ 84-52. C-3 Community Commercial District.

The following regulations shall apply in the C-3 Community Commercial District:

A. Permitted uses.

- (1) Retail trade stores or shopping centers, including one or a combination of the following:
 - (a) General merchandise.
 - (b) Food.
 - (c) Apparel and accessories.
 - (d) Furniture, home furnishings and equipment.
 - (e) Restaurants and eating and drinking places.
 - (f) Variety stores, drugstores, florists or other retail trade stores, but not including fuel.
 - (g) Motels.
 - (h) New car sales, service and showrooms.
- (2) Service uses as follows:
 - (a) Finance, insurance and real estate services.
 - (b) Personal services.

- (c) Business services.
- (d) Repair services.
- (e) Professional services.
- (f) Governmental services.
- (g) Educational services, but excluding primary and secondary schools and colleges.
- (h) Publication of newspapers and periodicals.

(3) Administrative office buildings limited to the executive or administrative offices of industrial or business concerns and which are not normally involved in conducting business with the general public.

(4) Industrial research laboratories limited to experimental research and testing laboratories at which products or goods are not produced for sale.

(5) Assembly halls, theaters, bowling alleys and other similar commercial recreational activity, provided it is carried on within a building, and further provided that each such use meets the parking recommendations of the ITE Parking Generation Manual, 3rd or most current edition.

(6) Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-390/Ord. # 2009-38 (Amend Chapter 84 - Permitted C-4 Zone) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-390

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-38

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-53, "C-4 REGIONAL COMMERCIAL DISTRICT", SUB-SECTION 84-53(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE ASSEMBLY HALLS, THEATERS, BOWLING ALLEYS AND OTHER SIMILAR COMMERCIAL RECREATIONAL ACTIVITIES IN THE C-4 REGIONAL COMMERCIAL DISTRICT TO MEET THE PARKING RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-38

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-53, "C-4 REGIONAL COMMERCIAL DISTRICT", SUB-SECTION 84-53(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE ASSEMBLY HALLS, THEATERS, BOWLING ALLEYS AND OTHER SIMILAR COMMERCIAL RECREATIONAL ACTIVITIES IN THE C-4 REGIONAL

COMMERCIAL DISTRICT TO MEET THE PARKING RECOMMENDATIONS
OF THE ITE PARKING GENERATION MANUAL

WHEREAS, Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-53, C-4 Regional Commercial District, Sub-Section 84-53(A) Permitted Uses of the Code of the Township of Marlboro ("Township") sets forth the permitted uses within the C-4 Regional Commercial District; and

WHEREAS, the Mayor and the Township Council have determined that it is in the best interests of the Township to require that assembly halls, theaters, bowling alleys and other similar commercial recreational activities in the C-4 Regional Commercial District meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-53, C-4 Regional Commercial District, Sub-Section 84-53(A) Permitted Uses, of the Code of the Township of Marlboro be and hereby is amended and supplemented to require assembly halls, theaters, bowling alleys and other similar commercial recreational activities in the C-4 Regional Commercial District to meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current edition as follows:

§ 84-53. C-4 Regional Commercial District.

The following regulations shall apply in the C-4 Regional Commercial District:

A. Permitted uses.

(1) Retail trade stores or shopping centers, including one or a combination of the following:

- (a) General merchandise.
- (b) Food.
- (c) Apparel and accessories.
- (d) Furniture, home furnishings and equipment.
- (e) Restaurants and eating and drinking places.

- (f) Variety stores, drugstores, florists or other retail trade stores, but not including fuel.
 - (g) Motels.
 - (h) New car sales, service and showrooms.
- (2) Service uses as follows:
 - (a) Finance, insurance and real estate services.
 - (b) Personal services.
 - (c) Business services.
 - (d) Repair services.
 - (e) Professional services.
 - (f) Governmental services.
 - (g) Educational services, but excluding primary and secondary schools and colleges.
 - (h) Publication of newspapers and periodicals.
- (3) Administrative office buildings limited to the executive or administrative offices of industrial or business concerns and which are not normally involved in conducting business with the general public.
- (4) Industrial research laboratories limited to experimental research and testing laboratories at which products or goods are not produced for sale.
- (5) Assembly halls, theaters, bowling alleys and other similar commercial recreational activity, provided it is carried on within a building, and further provided that such use meets the parking recommendations of the ITE Parking Generation Manual, 3rd or most current edition.

- (6) Government buildings, parks and playgrounds.
- (7) Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Councilman Cantor signed off Skype at 10:50pm.

The following Res. # 2009-391/Ord. # 2009-39 (Amend Chapter 84 - Permitted Uses LI Zone) was introduced by reference, offered by Council Vice President LaRocca and seconded by Council President Rosenthal and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-391

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-39

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-55, "LI LIGHT INDUSTRIAL ZONE DISTRICT", SUB-SECTION 84-55(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE COMMERCIAL RECREATIONAL USES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-39

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-55, "LI LIGHT INDUSTRIAL ZONE DISTRICT", SUB-SECTION 84-55(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE COMMERCIAL RECREATIONAL USES

WHEREAS, Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-55, LI Light Industrial Zone District, Sub-Section 84-55(A) Permitted Uses of the Code of the Township of Marlboro ("Township") sets forth the permitted uses within the LI Light Industrial Zone District; and

WHEREAS, the Mayor and the Township Council have determined that it is in the best interests of the Township to include the following in the LI Zone as permitted uses: assembly halls, theaters, bowling alleys, and other similar commercial recreational activities, provided that such recreational activities are carried out within a building and that each use meets the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-55, LI Light Industrial Zone District, Sub-Section 84-55(A) Permitted Uses, of the Code of the Township of Marlboro be and hereby is amended and supplemented as follows:

§ 84-55. LI Light Industrial Zone District.

The following regulations shall apply in the LI Light Industrial Zone District:

A. Permitted uses.

- (1) Light manufacturing, proceeding, producing or fabricating operations which meet the performance standards contained in § 84-31.
- (2) Administrative offices solely related to the primary industrial function being performed, except as permitted by Sub-Section 84-55(A) (3) below.
- (3) Administrative office buildings limited to executive or administrative or business service offices of industrial or business concerns.
- (4) Industrial research laboratories limited to experimental research and testing laboratories, at which products or goods are not produced for sale, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.
- (5) Warehouse for the storage of material and products.
- (6) Railroad rights-of-way and terminal facilities.
- (7) Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.
- (8) Off-site catering services.
- (9) Landscaping businesses including the storage of equipment and materials.
- (10) Assembly halls, theaters, bowling alleys, and other similar commercial recreational activities, provided that such use is carried out within a building, and that the use meets the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-392/Ord. # 2009-40 (Amend Chapter 84 - Permitted Uses IOR Zone) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-392

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-40

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-54.1, "IOR INDUSTRIAL OFFICE RESEARCH DISTRICT", SUB-SECTION 84-54.1(A), "PERMITTED USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE ASSEMBLY HALLS, THEATERS, BOWLING ALLEYS AND OTHER SIMILAR COMMERCIAL RECREATIONAL ACTIVITIES IN THE IOR INDUSTRIAL OFFICE RESEARCH DISTRICT TO MEET THE PARKING RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-40

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-54.1, "IOR INDUSTRIAL OFFICE RESEARCH DISTRICT", SUB-SECTION 84-54.1(A), "PERMITTED

USES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE ASSEMBLY HALLS, THEATERS, BOWLING ALLEYS AND OTHER SIMILAR COMMERCIAL RECREATIONAL ACTIVITIES IN THE IOR INDUSTRIAL OFFICE RESEARCH DISTRICT TO MEET THE PARKING RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL

WHEREAS, Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-54.1, IOR Industrial Office Research District, Sub-Section 84-54.1(A) Permitted Uses of the Code of the Township of Marlboro ("Township") sets forth the permitted uses within the IOR Industrial Office Research District; and

WHEREAS, the Mayor and the Township Council have determined that it is in the best interests of the Township to require that assembly halls, theaters, bowling alleys and other similar commercial recreational activities in the IOR Industrial Office Research District meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current Edition; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-54.1, IOR Industrial Office Research District, Sub-Section 84-54.1(A) Permitted Uses, of the Code of the Township of Marlboro be and hereby is amended and supplemented to require assembly halls, theaters, bowling alleys and other similar commercial recreational activities in the IOR Industrial Office Research District to meet the parking recommendations of the ITE Parking Generation Manual 3rd or most current edition as follows:

§ 84-54.1. IOR Industrial-Office-Research District

The following regulations shall apply in the IOR Industrial-Office Research District:

A. Permitted uses.

- (1) Light manufacturing, processing or fabricating operations which meet the performance standards contained in § 84-31.
- (2) Educational services.
- (3) Publication of newspapers and periodicals.

(4) Assembly halls, theaters, bowling alleys and other similar commercial recreational activity, provided that it is carried on within a building, and further provided that such use meets the parking recommendations of the ITE Parking Generation Manual, 3rd or most current Edition.

(5) Experimental, research or testing laboratories, provided that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.

(6) Administrative office buildings limited to executive or administrative purposes and professional offices.

(7) Industrial research laboratories limited to experimental, research and testing laboratories at which products or goods are not produced for sale.

(8) Warehouse for the storage of materials and products.

(9) Corporate headquarters.

(10) Hotels and conference center.

(11) Restaurants as part of an industrial park or corporate office center except for drive-through or fast-food restaurant facilities.

(12) Corporate or industrial parks subject to the following regulations:

(a) Minimum site requirement: 40 acres.

(b) Internal lot size and setbacks: as per the following schedule:

Lot Dimensions			Setbacks			
Area	Width	Depth	Front	Side	Rear	From
(acres)	(feet)	(feet)	Yard	Yard	Yard	External
			(feet)	(feet)	(feet)	Boundary
						(feet)
1*	150	200	40	30	20	80

Notes:

* Not more than 10% of the lots may be one-acre lots.

(13) Retail facilities incidental to the primary use and limited to 15% of the gross floor area.

(14) Off-site catering services.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-393/Ord. # 2009-41 (Amend Chapter 84 - Various Sections) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-393

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-41

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE II, "LAND USE PROCEDURES", SECTION 84-8, "ZONING BOARD OF ADJUSTMENT", SUB-SECTION 84-8(E)(3) "TIME FOR APPROVAL" TO AMEND REFERENCES TO CHECKLISTS AND TO ESTABLISH A NEW SUB-SECTION 84-8(J) "ZONING BOARD APPLICATION CHECKLISTS" TO INCORPORATE CHECKLISTS FOR BULK VARIANCES, USE VARIANCES, AND INTERPRETATIONS OF THE CODE BY THE ZONING BOARD OR APPEAL OF THE ZONING OFFICER'S DECISION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-41

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE II, "LAND USE PROCEDURES", SECTION 84-8, "ZONING BOARD OF ADJUSTMENT", SUB-SECTION 84-8(E) (3) "TIME FOR APPROVAL" TO AMEND REFERENCES TO CHECKLISTS AND TO ESTABLISH A NEW SUB-SECTION 84-8(J) "ZONING BOARD APPLICATION CHECKLISTS" TO INCORPORATE CHECKLISTS FOR BULK VARIANCES, USE VARIANCES, AND INTERPRETATIONS OF THE CODE BY THE ZONING BOARD OR APPEAL OF THE ZONING OFFICER'S DECISION

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84, Land Use Development Regulations, Article II, Land Use Procedures, Section 84-8, Zoning Board of Adjustment, Sub-Section 84-8(E), Time for Approval, to amend references to checklists and to Establish a new Sub-Section 84-8(J), Zoning Board Application Checklists, to incorporate the attached checklists for bulk variances, use variances, AND interpretations of the code by the zoning board or appeal of the zoning officer's decision, as follows:

E. Time for approval.

(1) Whenever an application for development requests relief pursuant to Subsection B of this section, the Board of Adjustment shall grant or deny approval of the application within 120 days after submission by the developer of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the Administrative Officer as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

(2) Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), in the case of a subdivision, or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6), in the case of a site plan, the Zoning Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.

(3) An application for development shall be complete for purposes of commencing the applicable time period when it conforms to the definition of a "complete application" as contained in the Municipal Land Use Law, Chapter 291 of the Laws of New Jersey 1975, as amended, and when the applicant complies with the requirements of the applicable checklist(s) set forth in Sub-Section 84-8(J) below.

F. In the granting of hardship and use variances, a time limit of one year from the date of the variance approval shall be set within which the owner shall secure a building permit, otherwise the variance granted shall be null and void. This time limit may be extended by the approving agency for good cause shown.

G. The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to this chapter or conditional use approval pursuant to this chapter whenever the proposed development requires approval by the Board of Adjustment of a variance pursuant to Subsection B(2)(d) of this section. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Zone Plan and zoning provisions. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this chapter for the approval in question, and the special vote pursuant to the aforesaid Subsection E of this section shall not be required.

H. Provisions applicable to both Zoning Board and Planning Board. See also § 84-10, Provisions applicable to both the Zoning Board of Adjustment and Planning Board.

I. To be considered at a regular meeting of the Zoning Board of Adjustment, a written application and supporting documents, together with the fee, shall be submitted to the Administrative Officer at least 10 days prior to the meeting and in the following quantities:

(1) Requests for relief under Subsection B(2)(a), (b) and (c) of this section, three copies.

(2) Requests for relief under Subsection B(2)(d) of this section, six copies.

(3) Requests for relief under Subsection B(2)(f) of this section, 10 copies of application plus number of copies of supporting documents and plats as required by this chapter for the types of applications and developments involved.

J. Applicants seeking approval for bulk variances, use variances or appealing the decision of the Zoning Officer concerning an interpretation of the Code, shall complete and submit the applicable Zoning Board of Adjustment Applications set forth at the end of this Chapter: (1) Completeness Checklist for Bulk Variance; (2) Completeness Checklist for Use Variance; (3) Completeness Checklist for Interpretation of Zoning Ordinance or Map or Decision on Special Question; (4) Completeness Checklist for Appeal of Decision by Zoning Officer; and/or (5) Compliance Checklist; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-394/Ord. # 2009-42 (Amend Chapter 84 - Section 60 - Off-street parking regulations) was introduced by reference, offered by Council Vice President LaRocca and seconded by Council President Rosenthal and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-394

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-42

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-60, "OFF-STREET PARKING REGULATIONS", SUB-SECTION 84-60(F) "REQUIRED OFF-STREET PARKING SPACES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE THAT CERTAIN USES MEET THE RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL
be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 17, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-42

AN ORDINANCE AMENDING CHAPTER 84, "LAND USE DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", SECTION 84-60, "OFF-STREET PARKING REGULATIONS", SUB-SECTION 84-60(F) "REQUIRED OFF-STREET PARKING SPACES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE THAT CERTAIN USES MEET THE RECOMMENDATIONS OF THE ITE PARKING GENERATION MANUAL

WHEREAS, Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-60, Off-Street Parking Regulations, Sub-Section 84-60(F) Required Off-Street Parking Spaces of the Code of the Township of Marlboro ("Township") sets forth the permitted number of parking spaces for various uses throughout the Township; and

WHEREAS, the Mayor and the Township Council have determined that it is in the best interests of the Township to amend Sub-Section 94-60(F) to establish that certain uses meet the recommendations of the ITE Parking Generation Manual 3rd or most current edition.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of

New Jersey that Chapter 84, Land Use Development Regulations, Article III, Zoning: Standards and Regulations, Section 84-60, Off-Street Parking Regulations, Sub-Section 84-60(F) Required Off-Street Parking Spaces, of the Code of the Township of Marlboro be and hereby is amended and supplemented to require that certain uses within the Township meet the recommendations of the ITE Parking Generation Manual 3rd or most current edition as follows:

F. Required off-street parking spaces.

(1) One-family dwelling units, including townhouses: two parking spaces per dwelling unit.

(2) Garden apartments and townhouses in a multifamily district: 2.5 parking spaces per dwelling unit. Garages, where provided, may be considered as the equivalent of one parking space for the purpose of this provision.

(3) Trailer parks: two parking spaces per trailer lot.

(4) Shopping centers of 200,000 square feet in gross floor area or greater shall require 4.5 parking spaces per 1,000 square foot gross floor area, except that only 5% of the required parking can be located behind the building to meet the requirement. This parking space criteria supersedes the individual parking space criteria required for each of the individual uses found in the center, due to the shared use aspect of the combined shopping center.

(5) Parks and other outdoor recreation sites: five parking spaces for each gross acre of land up to 50 acres, and one parking space per gross acre of land above 50 acres.

(6) Private and parochial schools. The off-street parking requirements are provided for under § 84-65D of this chapter.

(7) Public utilities. The off-street parking requirements are provided for under § 84-67F of this chapter.

(8) Philanthropic and eleemosynary uses. The off-street parking requirements are provided for under § 84-68E of this chapter.

(9) Motels. See the requirements contained in § 84-72N of this chapter, as well as those specified in § 84-60F(11) below.

(10) Nursing homes. The off-street parking requirements are provided for under § 84-74.2 of this chapter.

(11) Other uses:

Commercial	Required Off-Street Parking Spaces Per Indicated Area
Commercial Educational uses including recreational, athletic, and/or artistic activities, including martial arts school, dance school, art school and pilates/yoga studio	Shall meet the recommendations of the ITE Parking Generation Manual 3 rd or most current edition.
Convenience or grocery store, less than 2,500 square feet	1 per 100 square feet of gross floor area
Convenience or grocery store or supermarket, more than 2,500 square feet	1 per 150 square feet of gross floor area
General retail or service store	1 per 200 square feet of gross floor area
Furniture store	1 per 500 square feet of gross floor area
Bank	1 per 200 square feet of gross floor area (plus drive-through reservoir)
Restaurant, standard	1 per 3 seats
Restaurant, fast-food	1 per 1.5 seats (plus drive-through reservoir)

All drive-throughs

Reservoir capacity equal to six spaces per window

Bar, tavern, nightclub

1 per 2 seats

Hotel, motel

1 per room/suite, plus one per employee, plus 1 per every 2 persons of the maximum capacity of each public meeting and/or banquet room, plus additional space in accordance with this table for restaurants, bars or other facilities

Indoor Recreation Uses including assembly halls, theaters, bowling alleys and other similar commercial recreational activity, provided said use is carried on within a building

Shall meet the recommendations of the ITE Parking Generation Manual 3rd or most current edition.

Service station

5 per bay or work area

Car wash

Reservoir capacity equal to 12 per lane

Automobile sales

3 per employee

Laundromat
Personal services (beauty, barber and similar shops)

1 per 2 washing machines
4 per chair

Offices

Funeral home

Two per 50 square feet of public floor area

Home occupation, except medical, dental or veterinary

2 per occupation

Medical, dental or veterinary

Shall meet the recommendations of the ITE Parking Generation Manual 3rd or most current edition

General office

1 per 250 square feet of gross

	floor area
Research	1 per 1,000 square feet of gross floor area
Industrial Manufacturing, assembly, finishing	1 per 800 square feet of gross floor area
Warehouse, storage, distribution, shipping, receiving	1 per 5,000 square feet of gross floor area
Other industrial	1 per employee on largest shift, plus 1 per company vehicle regularly stored on premises
Institutional	
Hospital	2 per bed or one per 150 square feet of gross floor area, whichever is greater
Nursing home	3 for every 5 beds
Church/synagogue	1 per 3 seats (1 seat shall be considered 24 inches in calculating the capacity of pews or benches)
Cultural and Recreational	
Health club/gym	1 per 200 square feet of gross Floor area
Library, museum	1 per 300 square feet of gross floor area
Theater/auditorium	Shall meet the recommendations of the ITE Parking Generation Manual 3 rd or most current edition
Theater in shopping center	1 per 4 seats
Bowling alley	Shall meet the recommendations of the ITE Parking Generation Manual

	3 rd or most current edition
Indoor tennis, racquetball and handball court	Shall meet the recommendations of the ITE Parking Generation Manual 3 rd or most current edition
Outdoor tennis court	3 per court
Commercial swimming facility	1 per 75 square feet of gross water area

(12) Mixed uses. In the case of mixed uses on one site (i.e., office/retail manufacturing/warehouse, etc.) the total number of spaces shall be calculated based on the spaces required independently for each use.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-318/Ord. # 2009-30 (Police Dept. - Table of Organization) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-318

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-30

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF
THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF
POLICE" AMENDING TABLE OF ORGANIZATION

be introduced and passed on first reading and that the same be
advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for
final passage on December 10, 2009 at 8:00 p.m. at the
Marlboro Municipal Complex, 1979 Township Drive, Marlboro,
New Jersey, at which time all persons interested will be
given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-30

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98,
OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED
"DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

WHEREAS, Chapter 4 of the Code of the Township of Marlboro
entitled "Division of Police" provides a Table of Organization for
positions within the Division of Police; and

WHEREAS, the Police Chief has recommended that the Township
Council amend the Code of the Township of Marlboro consistent with
the recommendations of the audit report issued by the State of New
Jersey, Department of Community Affairs.

NOW, THEREFORE, BE IT ORDAINED that Section C(1) of § 4-98 of
the Code of the Township of Marlboro shall be stricken from the Code
effective January 1, 2010.

BE IT FURTHER ORDAINED by the Township Council of the Township
of Marlboro, in the County of Monmouth and State of New Jersey, that
Chapter 4, Article XIV, § 4-98, Section C(2) of the Code of the
Township of Marlboro that the following Table of Organization shall
take effect on January 1, 2010:

C(2) The Table of Organization of the Police Division may be
staffed up to the maximum number of persons specified herein:

<u>Maximum #</u>	<u>Position established</u>
1	Chief
3	Captains
7	Lieutenants
12	Sergeants
60	Patrol Officers
10	Special Law Enforcement Officer, Class I
4	Special Law Enforcement Officer, Class II; and

BE IT FURTHER ORDAINED, that Chapter 4, Article XIV, § 4-98, of the Code of the Township of Marlboro be and hereby is amended and supplemented by adding a new Section F regarding the establishment of the positions of Special Law Enforcement Officer, Class I & Class II, to read as follows:

F. Establishment of Positions of Special Law Enforcement Officers, Class I and Class II.

1. Pursuant to the authority granted to the Township of Marlboro pursuant to N.J.S.A. 40A:14-146.8 through 18, there is hereby established the position of special law enforcement officer in and for the Township of Marlboro.

2. Whenever any words and phrases are used in this Section F, the meaning(s) of those words and phrases shall be the same as the definitions, words and phrases set forth in the Special Law Enforcement Officers' Act, found at N.J.S.A. 40A:14-146.8 through 18.

3. Criteria for appointment and promotion. Before any special law enforcement officer is appointed, the Chief of Police shall ascertain the training, eligibility, classification and qualifications of the applicant and report these determinations, in writing, to the Mayor and Council.

4. Term of Appointment. A special law enforcement officer may be appointed for a term not to exceed one year. A special law enforcement officer's appointment may be revoked by the Mayor and Council for cause, after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment of a special law enforcement officer upon the expiration of his or her term.

5. Special law enforcement officers are not police officers in the Division of Police, and their powers and duties cease upon the expiration of the term for which they are appointed.

6. Special law enforcement officers in the Township of Marlboro shall be of two Classifications:

(a) Class One. Officers of this class are hereby authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by a Class One Special Law Enforcement Officer shall be strictly prohibited, and no Class One Special Law Enforcement Officer shall be assigned any duties which may require the carrying or use of a firearm.

(b) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer in the Township of Marlboro. Class Two Special Law Enforcement Officers are permitted to use a firearm, provided that the Chief of Police has ascertained that the Class Two Special Law Enforcement Officer has been fully certified as successfully completing training as prescribed by the Police Training Commission, within the State of New Jersey Department of Law and Public Safety.

7. Uniforms for Special law enforcement officers.

(a) Every special law enforcement officer prior to the commencement of his duties shall be furnished with a uniform which shall identify the special law enforcement officer's function. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the Township of Marlboro. The uniform shall also include an insignia issued by the Police Training Commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued by the Police Training Commission. All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia.

(b) Whenever a special law enforcement officer's appointment is revoked or expires, the special law enforcement officer shall return to the Chief of Police or his designee, all issued uniforms, badges and equipment within 15 days of the revocation or expiration of term.

8. Conduct of Special Law Enforcement Officers.

(a) All special law enforcement officers are under the supervision and direction of the Chief of Police or his designee, and shall perform their duties only in the Township of Marlboro unless in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes.

(b) All special law enforcement officers shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Township of Marlboro, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

9. Hours of employment

(a) Pursuant to N.J.S.A. 40A:14-146.16(a)(2), during periods of emergency, there shall be no limitation as to the work hours of special law enforcement officers.

(b) Pursuant to the limitations and exceptions of N.J.S.A. 40A:14-146.16(a)(3), no special law enforcement officer shall work more than 20 hours per week, except for the one special law enforcement officer allowed to work in excess of 20 hours per week pursuant to N.J.S.A. 40A:14-146.16(c).

10. Special law enforcement officers may be employed only to assist in the Township, but may not be employed to diminish the number of full-time police officers employed by the Township; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2009-395/Ord. # 2009-43 (Amend Chapter 59 - Dogs and Other Animals - Penalties) was introduced by reference as

amended, offered by Council Vice President LaRocca and seconded by Councilwoman Marder. Discussion followed, after which Council made an amendment. The resolution/ordinance as amended was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-395

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-43 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED, "DOGS AND OTHER ANIMALS", ARTICLE I, "CONTROL OF DOGS AND CATS", SECTION 59-3, "LICENSING REQUIREMENTS", SUB-SECTION (A) (4) TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS, AND SUB-SECTION 59-3(B) (1) TO INCREASE THE AMOUNT OF A REPLACEMENT DOG REGISTRATION TAG, AND SECTION 59-4 TO INCLUDE A NEW SUB-SECTION 59-4(H) TO LIMIT THE NUMBER OF DOGS THAT MAY BE MAINTAINED BY ANY ONE PERSON OR PERSONS, AND SECTION 59-11, "VIOLATIONS AND PENALTIES", TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS, AND AMENDING AND SUPPLEMENTING CHAPTER 59, ARTICLE II, "LICENSING OF CATS", SECTION 59-17, "LICENSE REQUIRED", AND SECTION 59-18, "VIOLATIONS AND PENALTIES", TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-43 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED, "DOGS AND OTHER ANIMALS", ARTICLE I, "CONTROL OF DOGS AND CATS", SECTION 59-3, "LICENSING REQUIREMENTS", SUB-SECTION (A) (4) TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS, AND SUB-SECTION 59-3(B) (1) TO INCREASE THE AMOUNT OF A REPLACEMENT DOG REGISTRATION TAG, AND SECTION 59-4 TO INCLUDE A NEW SUB-

SECTION 59-4(H) TO LIMIT THE NUMBER OF DOGS THAT MAY BE MAINTAINED BY ANY ONE PERSON OR PERSONS, AND SECTION 59-11, "VIOLATIONS AND PENALTIES", TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS, AND AMENDING AND SUPPLEMENTING CHAPTER 59, ARTICLE II, "LICENSING OF CATS", SECTION 59-17, "LICENSE REQUIRED", AND SECTION 59-18, "VIOLATIONS AND PENALTIES", TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS

WHEREAS, Chapter 59, Dogs and Other Animals, of the Code of the Township of Marlboro, establishes the requirements and the administrative processes for the issuance of licenses for dogs and cats within the Township of Marlboro; and

WHEREAS, the Township desires to amend Chapter 59 to establish the imposition of administrative penalties for certain violations of the licensure process in lieu of the issuance of a summons and complaint for such violations.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article I, Control of Dogs and Cats, Section 59-3 Licensing Requirements, Sub-Section 59-3(A)(4), of the Code of the Township of Marlboro be and is hereby amended and supplemented to clarify that an administrative penalty for late registrations shall suffice in lieu of the issuance of a summons and complaint as follows:

§ 59-3. Licensing requirements.

A. (4) There shall be no administrative or other penalty imposed for the late registration, up to thirty (30) days after March 1st of any year, of a dog required to be licensed prior to that date under any of the sections of this Chapter.

i. An administrative penalty of Ten Dollars (\$10.00) shall be imposed between thirty-one (31) to sixty (60) days after March 1st of any year for late registration of a dog required for licensing prior to that date under any of the sections of this Chapter. This payment shall be due and payable in addition to the registration fee. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

ii. An administrative penalty of Fifteen Dollars (\$15.00) shall be imposed between sixty-one (61) to ninety (90) days after March 1st of any year for late registration of a dog

required for licensing prior to that date under any of the sections of this Chapter. This payment shall be due and payable in addition to the registration fee. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

iii. If a dog owner fails to register their dog for licensing more than ninety (90) days after March 1st of any year for dog licensing required prior to that date, then such owner shall be deemed to be in violation of the Code of the Township of Marlboro and thereby subject to the imposition of the minimum fine set forth in § 59-11 of this Section. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

The remainder of this Sub-Section 59-3(A) shall remain unchanged and in full force and effect

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article I, Control of Dogs and Cats, Section 59-3 Licensing Requirements, Sub-Section 59-3(B) (1), of the Code of the Township of Marlboro be and is hereby amended and supplemented to increase the amount of a replacement dog registration tag as follows:

B. Securing tag to collar of dog.

(1) The registration tag shall be securely fastened to the collar of the dog, and, in cases where the registration tag is lost, the owner of said dog shall apply for a new registration tag, which shall be issued at a cost of \$1.00 to the owner of the dog.

The remainder of this Sub-Section 59-3(B) shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article I, Control of Dogs and Cats, Section 59-4, Dogs and Animal Control, of the Code of the Township of Marlboro be and is hereby amended and supplemented to include a new Sub-Section 59-4(H) to limit the number of dogs that may be maintained by any one person or persons as follows:

§ 59-4. Dogs and animal control.

(H) Notwithstanding anything in this Article to the contrary, no person or persons shall own, keep, harbor or maintain at any one time within the limits of the Township of Marlboro, more than five (5) dogs of licensing age, except in a kennel or pet shop, and except for dogs that are held and confined in a shelter or pound under the provisions of this Chapter.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article I, Control of Dogs and Cats, Section 59-11, Violations and Penalties, Sub-Section 59-11(A), of the Code of the Township of Marlboro be and is hereby amended and supplemented to provide for the imposition of administrative penalties in lieu of the issuance of a summons and complaint for certain violations of Chapter 59, Article I, Article I, as follows:

§ 59-11. Violations and Penalties.

A. Any person who shall violate any provision of this Article shall be subject to a minimum fine of no less than \$50.00 for each and every violation and a maximum fine as allowable by law, including but not limited to N.J.S.A. 4:19-29, or imprisonment for a term not exceeding the maximum allowable by law, or both, except that violations of Section 59-3(A)(4), Licensing Requirements, shall be subject to an administrative penalty, pursuant to Sub-Sections 59-3(A)(4) hereinabove, and, no municipal court appearance shall be required for such violation, unless the owner pleads not guilty to the alleged violation.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article II, General Legislation, Section 59-17 Licenses Required, Sub-Section 59-17(G), License Fee Schedule, of the Code of the Township of Marlboro be and is hereby amended and supplemented to establish the imposition of an administrative penalty for violations of Section 59-17 in lieu of the issuance of a summons and complaint for such violations as follows:

§ 59-17. Licenses required.

G. License fee schedule. A license shall be issued after payment of a fee of \$7.20 for a cat one year of age or under, \$5.00 for a cat over the age of one year and spayed or neutered and \$7.20 for each cat over the age of one year and not spayed or neutered. The fee for any additional cat owned by the same person shall be

\$3.50 or each additional cat. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee of \$1.00.

(1) There shall be no administrative or other penalty imposed for the late registration, up to thirty (30) days after March 1st of any year, of a cat required to be licensed prior to that date under any of the sections of this Chapter.

(2) An administrative penalty of Ten Dollars (\$10.00) shall be imposed between thirty-one (31) to sixty (60) days after March 1st of any year for late registration of a cat required to be licensed prior to that date pursuant to this Section. This payment shall be due and payable in addition to the registration fee. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

(3) An administrative penalty of Fifteen Dollars (\$15.00) shall be imposed between sixty-one (61) to ninety (90) days after March 1st of any year for late registration of a cat required to be licensed prior to that date pursuant to this Section. This payment shall be due and payable in addition to the registration fee. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

(4) If a cat owner fails to license their cat more than ninety (90) days after March 1st of any year for cat licensing required prior to that date, then such owner shall be deemed to be in violation of the Code of the Township of Marlboro and thereby subject to the imposition of the minimum fine set forth in § 59-18 of this Chapter Code. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 59 Dogs and Other Animals, Article II, General Legislation, Section 59-18 Violations and Penalties, of the Code of the Township of Marlboro be and is hereby amended and supplemented to provide for the imposition of an administrative penalty in lieu of the issuance of a summons and complaint for certain violations of Chapter 59, Article II, as follows:

§ 59-18. Violations and penalties.

Except as otherwise provided in this Chapter, any person who violates any provision of this Article shall be subject to a minimum

fine of no less than Fifty Dollars (\$50.00) for each and every violation up to the maximum penalties as allowable by law, except that a violation of Section 59-17(G), License Required, shall be subject to an administrative penalty, pursuant to Sub-Sections 59-17(G) hereinabove, and, no municipal court appearance shall be required for such violations, unless the owner pleads not guilty to the alleged violation

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-396/Ord. # 2009-44 (Amend Chapter 143 - Water Conservation) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder. Council Vice President LaRocca explained the ordinance, after which the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-396

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-44

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 143, "WATER", BY REPLACING ARTICLE I, ENTITLED "EMERGENCY USE RESTRICTIONS" WITH A NEW ARTICLE I, ENTITLED "WATER CONSERVATION REGULATIONS" AND BY REPLACING ARTICLE IV, ENTITLED, "CONSERVATION REQUIREMENTS" WITH A NEW ARTICLE IV, ENTITLED "WATER EMERGENCY REGULATIONS", AND BY ADDING ARTICLE V, ENTITLED, "SWIMMING POOL REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO SET FORTH REGULATIONS FOR WATER CONSERVATION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be

given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-44

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 143, "WATER", BY REPLACING ARTICLE I, ENTITLED "EMERGENCY USE RESTRICTIONS" WITH A NEW ARTICLE I, ENTITLED "WATER CONSERVATION REGULATIONS" AND BY REPLACING ARTICLE IV, ENTITLED, "CONSERVATION REQUIREMENTS" WITH A NEW ARTICLE IV, ENTITLED "WATER EMERGENCY REGULATIONS", AND BY ADDING ARTICLE V, ENTITLED, "SWIMMING POOL REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO SET FORTH REGULATIONS FOR WATER CONSERVATION

WHEREAS, the water supplies within the Township of Marlboro (the "Township") should be protected to afford the greatest beneficial use to the Township's citizens and businesses, which depend on current water supplies for their livelihood, health, welfare, and economic production; and

WHEREAS, the water resources associated with the Township have been threatened in the past due to drought conditions; and

WHEREAS, there exists a need to restrict certain uses of water not essential to the health, welfare and safety of the Township in order to avert or lessen the impact of such shortages; and

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority for the protection of public the health, safety, and welfare of the Township's citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Marlboro has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, being the governing body thereof, that Chapter 143, Water, of the Code of the Township of Marlboro, be and is hereby amended and supplemented by the deletion of Article I, "Emergency Use Restrictions" and the replacement of same with a new Article I, "Water Conservation Regulations" to set forth regulations for water conservation within the Township of Marlboro as follows:

ARTICLE I - WATER CONSERVATION REGULATIONS

§143-1 Water Conservation Guidelines for All Users Including Residential, Commercial, Academic, Municipal Properties and Parks & Recreation Fields.

A. Except as may be further restricted in accordance with Article IV of this Chapter, the use of water within the Township of Marlboro, regardless of the source of water (public or private) shall conform to the following:

1. All citizens are hereby be encouraged to observe indoor water conservation measures at all times; and

2. All citizens are required to adhere to the following outdoor water conservation measures at all times:

(a) Lawn watering:

(i) properties may only be watered two (2) days per week. Properties with odd numbered addresses may be watered two (2) days per week on odd calendar dates, and properties with even numbered addresses may only be watered two (2) days per week on even calendar dates.

(ii) property watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m

(iii) the watering of any single area of property shall not exceed thirty (30) minutes per day.

(b) Flowers and shrubs may be additionally watered as needed with a hand held hose equipped with an automatic shut-off nozzle;

(c) Vehicles may be washed any day with a hand held hose equipped with an automatic shut-off nozzle;

B. Pursuant to N.J.S.A. 52:27D-123.13, all automatic lawn sprinkler systems installed after September 8, 2000 shall be equipped with an automatic rain sensor device or switch that will override the irrigation cycle of the automatic lawn sprinkler system when adequate rainfall has occurred.

C. The regulations established in Article IV of this Chapter shall supersede the regulations established in Article I of this Chapter when the Township Council of the Township of Marlboro has declared a

Water Emergency using the procedures established by Article IV of this Chapter.

D. The regulations, orders or requirements established by the State of New Jersey shall supersede the requirements established by this Article when the State requirements are more stringent than those set forth in Article I.

§143-2 Enforcement of Water Conservation Guidelines.

The regulations set forth in Article I, shall be enforced by the Township Engineer and/or Code Enforcement Officer. Whenever the Township Engineer and/or Code Enforcement Officer shall observe a violation of the water use regulations established in Article I, regardless of the source of the water (public supply, semi-public supply or private well), such authorized official shall give the violator a written warning and explain the penalties set forth for a violation of these regulations. The authorized official shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been issued a written warning. The Township Engineer and/or Code Enforcement Officer and/or their designee is hereby duly authorized to issue summonses for the violation of the water use regulations imposed pursuant to Article I.

§143-3 Penalties.

After a written warning has been issued in accordance with §143-2 above, any person or business that thereafter violates the water use regulations imposed pursuant to Article I shall be subject to a minimum penalty of \$50.00 for such first violation. No municipal court appearance shall be required for such first violation, unless the person or business pleads not guilty to the alleged violation. Each subsequent violation shall be subject to a penalty to be imposed at the discretion of the Municipal Court Judge, up to the maximum penalties authorized by §4-3 of the Code.

§143-4 Exemptions.

A. The restrictions established in this Article I shall not apply to the following:

1. Commercial crop and sod farms and nursery stock at nurseries or retail outlets and commercial golf courses;

2. Outdoor irrigation necessary for one day only when a treatment with an application of chemicals requires immediate

watering to preserve an existing landscape or to establish a new landscape.;

3. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting;

4. Visually supervised operation of watering systems by a State of New Jersey Licensed Irrigation Contractor for short periods of time to check the system condition and effectiveness.; and

5. The use of Reclaimed Water for Beneficial Reuse ("RWBR"), as approved in a New Jersey Pollutant Discharge Elimination System permit pursuant to N.J.A.C. 7:14A-1 et seq., and any conditions pertaining thereto.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, being the governing body thereof, that Chapter 143, Water, of the Code of the Township of Marlboro, be and is hereby amended and supplemented by the deletion of Article IV, "Conservation Requirements" and the replacement of same with a new Article IV, "Water Emergency Regulations" to set forth regulations for water emergencies within the Township of Marlboro as follows:

§143-17. Prohibition of Certain Uses of Water During Emergency Conditions.

A. Declaration of Water Emergency. A water emergency may be declared:

1. Upon action by a resolution of the Township Council of the Township of Marlboro:

(a) Whenever the Municipal Engineer in his or her professional judgment finds that emergency conditions exist within the Township, he or she shall recommend to the Township Council that a water emergency be declared. Said recommendation shall contain findings which specify which water use restrictions, if any, contained in §143-17(B) below are appropriate. Factors that the Municipal Engineer may consider in making said recommendation include, but are not limited to, the following:

(i) lack of precipitation for an extended time period;

(ii) below-average water levels in municipal streams or other surface water bodies;

(iii) declaration of a water emergency by the Governor;

(iv) declaration of a water emergency by a surrounding municipality or municipalities;

(v) designation by the New Jersey Department of Environmental Protection of a drought watch or drought warning condition;

(vi) below-average water levels in wells monitored by the United States Geological Survey, New Jersey Geological Survey, or other wells monitored by agencies of the United States or New Jersey;

(vii) evidence of low or dirty water yields in private wells in the Township; and

(viii) declaration of a water emergency resulting from infrastructure failure or any other Safe Drinking Water emergency issues.

(b) Upon the receipt of such a recommendation, the Township Council may accept the Municipal Engineer's recommendation and findings, or any portion thereof, and adopt a resolution declaring a water emergency in the Municipality.

(c) Such resolution declaring a water emergency may be adopted by the Township Council at any regular, special, adjourned or emergency public meeting of the Township Council. Such resolution shall specify which of the water use restrictions, if any, contained in Subsection (B) below are being imposed. Such resolution shall be effective immediately upon publication and shall continue in effect for ninety (90) days, or such lesser time period as may be specified, unless extended or repealed as set for in §143-17(C) and (D) below.

B. Water Use Restrictions. Upon adoption by the Township Council of a resolution declaring that a water emergency exists in the Municipality:

1. All citizens shall be urged to observe voluntary indoor conservation measures; and

2. Water use restrictions including but not limited to those set forth below may be included in a Water Emergency Resolution:

(a) Restricting the watering of all plant growth, except commercially grown food crops, sod at commercial sod farms, and golf courses and nursery stock at nurseries or retail outlets;

(b) Restricting the washing of vehicles, except for emergency vehicles, and by a commercial enterprise whose primary function is car washing, regardless of whether the operation is mobile or stationary or in those instances where a threat to public health may exist;

(c) Restricting the washing of driveways, sidewalks, decks, patios or other paved areas;

(d) Restricting the service of water in restaurants, clubs, or eating places, unless specifically requested by patrons;

(e) Restricting the use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as the Fire Chief deems necessary in the interest of public safety;

(f) Restricting the use of fire hydrants by the Department of Public Works, contractors, and all others, except as necessary for fire fighting or protection purposes;

(g) Restricting the use of water for all outdoor recreational purposes;

(h) Restricting the washing of outside of dwellings, buildings, or other structures, except windows;

(i) Restricting the operation of any ornamental fountain or other structure making a similar use of water except as necessary to preserve or support fish and aquatic life;

(k) Restricting the washing of streets by a street sweeper, except in those instances where Reclaimed Water for Beneficial Reuse ("RWBR") is authorized under a valid New Jersey Pollutant Discharge Elimination System ("NJPDDES") Permit; and

(l) Restricting any other water use activity specified by the Township Council in the resolution required by §143-17(A) above which is deemed reasonable and necessary under the circumstances considering the nature and extent of the water emergency.

3. The following restrictions may be imposed on the water uses stated in §143-17(B) (2):

(a) Limitation of all outdoor usage which is not strictly prohibited by this Section to between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.;

(b) The watering of any single area shall not exceed thirty minutes per day; and

(c) Any other restriction specified in the resolution adopted by the Township Council which is reasonable under the circumstances considering the nature and extent of the water emergency.

4. Any water use restriction imposed pursuant to this Article IV may be amended by the Township Council to add, alter, or delete any restriction at any time during the water emergency provided that said amendment shall be adopted by resolution of the Township Council.

5. Any water use restriction imposed pursuant to this Article IV shall apply equally to both users on privately owned wells and users served by a public or semi-public water system.

6. Nothing in this Section shall be read so as to prohibit, restrict or limit water usage where a bona fide health emergency exists.

C. Duration of Water Emergency. Whenever the Municipal Engineer in his or her professional judgment finds that the emergency drought conditions in the Township have abated prior to the expiration of the time period specified in the resolution, he or she shall recommend to the Township Council of the Township of Marlboro that the water emergency cease. Upon such a recommendation to cease, the Township Council may adopt a resolution declaring the water emergency at an end and the water use restrictions previously imposed as no longer applicable. Otherwise, at the end of the time period specified in the original resolution, the water use restrictions identified in the original resolution shall lapse and be inapplicable and unenforceable.

D. Extension of Water Emergency Time Period. If at the expiration of the time period specified in the resolution, the Municipal Engineer in his or her professional judgment finds that the emergency drought conditions have not abated, he or she shall recommend to the Township Council that the water emergency remain in effect. Said recommendation shall specify the duration of the extension. Whenever the Township Council has received such a recommendation, it may accept the Municipal Engineer's recommendation and findings, or any portion thereof, by adopting a resolution to extend the water emergency. Said resolution shall

specify the duration of the extension, which shall not be for more than ninety (90) days.

E. Notice. Reasonable attempts shall be made to notify citizens and residents of the Township of the existence of a water emergency, the restrictions imposed, and the penalties for violations.

§143-18. Enforcement of Water Use Restrictions.

The water use restrictions imposed pursuant to Article IV shall be enforced during a water emergency by the Township Engineer, Code Enforcement Officer and enforcement personnel in the Department of Public Safety. Whenever these enforcement officials shall find a violation of the water use restrictions, regardless of the source of the water, these enforcement officials shall give the violator a written warning explaining the penalties for a violation of the Code. These enforcement officials shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been issued a written warning. These enforcement officials are hereby duly authorized to issue summonses for the violation of the water use restrictions imposed pursuant to this Article IV.

§143-19. Penalties.

After a written warning for a first offense in accordance with §143-18, any person or business that thereafter violates the water use restrictions imposed pursuant to this Article IV shall be subject to a minimum penalty of \$50.00 per for such first violation. No municipal court appearance shall be required for such first violation, unless the person or business pleads not guilty to the alleged violation. Each subsequent violation shall be subject to a penalty to be imposed at the discretion of the Municipal Court Judge, up to the maximum penalties authorized by §4-3 of the Code.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, being the governing body thereof, that in an effort to balance the need for the citizens of the Township to adequately maintain the use and enjoyment of swimming pools against the need to monitoring the continuing availability of clean, wholesome, and adequate water supplies for the protection of the public health, safety, and welfare of the Township's citizens, that Chapter 143, Water, of the Code of the Township of Marlboro, be and is hereby amended and supplemented by the addition of Article V, "Swimming Pool Regulations" to set forth regulations for filling of swimming pools within the Township of Marlboro as follows:

§143-20 Swimming Pool Regulations.

A. The initial filling, or complete refilling of all swimming pools in Marlboro Township may be permitted only after application is made and a swimming pool filling permit is issued by the Township Engineer.

B. Swimming pools may only be filled under the direction of the Township Engineer to assure that pool filling activities do not endanger the continuing availability of clean, wholesome and adequate water supply in the Township.

C. The Township Engineer shall issue a swimming pool filling permit in his/her sole discretion, subject to the availability and/or continued availability of an adequate and sufficient water supply.

D. Any person who shall fill a pool without having obtained the necessary permit, or who shall have filled a pool in violation of the provisions of the swimming pool permit shall have violated the Code and shall be subject to the fines and penalties set forth in §4-3.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that if any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2009-397 (Creation of the Green Team) was introduced by reference, offered by Council Vice President LaRocca and seconded by Council President Rosenthal and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-397

A RESOLUTION ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE
AS PART OF THE TOWNSHIP OF MARLBORO'S PARTICIPATION IN THE
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, by Resolution #2009-119, the Township of Marlboro began the pursuit of local initiatives and actions to obtain Sustainable Jersey Municipal Certification from the Sustainable Jersey Program; and

WHEREAS, the formation of a "Green Team" is the first step in establishing a community sustainability program; and

WHEREAS, it is mandatory that all communities participating in the Sustainable Jersey Program establish a "Green Team"; and

WHEREAS, Green Teams use the skills and expertise of team members to develop plans, implement programs and assist with educational opportunities that support the creation of a sustainable community; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro are working to save tax dollars, ensure clean air and water and improve working and living environments within Marlboro Township, and to foster a community that is sustainable economically, environmentally and socially; and

WHEREAS, in order to direct the public's attention to "Green" issues, and in furtherance of the objectives of the Sustainable Jersey Program, the Mayor and Township Council desire to establish a Green Team Advisory Committee.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby authorizes the establishment of a Green Team Advisory Committee ("GTA") consisting of nine (9) members who shall be residents or employees of Marlboro Township, such members to be appointed annually by the Mayor, but whose initial term of appointment shall be through December 31, 2010; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that the Mission, Goals and Objectives for the GTA are hereby established as follows:

Mission: The Marlboro Township GTA shall advise the Township Council on ways to establish a community sustainability program

through initiatives which are economically and environmentally sound.

Goals: The initial goals of the Marlboro Township GTA shall be to submit a report and recommendations to the Township Council which report shall include:

1. A report of suggested best practices for "greener" municipal operations; and
2. Identification of community partners with whom the GRA may coordinate sustainability activities and implement sustainability programs throughout Marlboro Township.

Objectives:

1. Collaborate with Township employees, community organizations and other governmental agencies to share resources, information and ideas consistent with the Mission of the GTA; and
2. Encourage participation of all Township employees to solicit ideas on green initiatives; and
3. Research and analyze green initiatives which make practical environmental and financial sense; and
4. Develop strategies for sustainable green initiatives in municipal operations; and

BE IT FURTHER RESOLVED, that the GTA is hereby encouraged to work with existing community organizations to implement a municipal sustainability program, and is hereby authorized to pursue the Sustainable Jersey Certification on behalf of and in partnership with the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Sustainable Jersey Program.

The following Res. # 2009-398 (Bond Release Rite Aid Site - B.225, L. 195) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni. There was a brief discussion between Council President Rosenthal and Township Engineer Ernest Peters, after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-398

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE RITE-AID SITE, BLOCK 225, LOT 195, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for site improvements at the Rite-Aid site, Block 225, Lot 195, Marlboro, New Jersey, posted by: Martin Heller, Steiner Equities Group, LLC and 107 Route 79 Associates, LLC (hereinafter collectively, the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 14, 2009 regarding the Rite-Aid site improvements, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees, in the form of two (2) bonds and cash, described as follows; (1) original and present Performance Bond #21398 amount of \$248,315.18; (2) original and present Performance Bond #NZS 609140 amount of \$248,315.18; and (3) the original and present cash bond amount of \$55,181.15, posted by the Developer and being held by the Township for the site improvements described hereinabove, be released in their entirety, conditioned upon the payment of all outstanding engineering inspection fee charges to the time of performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance guarantee in the amount of \$82,771.73, such form of maintenance guarantee being subject to the review and approval of the Township Attorney; and

WHEREAS, the Township Council desires to release the performance guarantees in accordance with the recommendation of the Township Engineer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantees, in the form of two (2) bonds and cash, described as follows: (1) original and present Performance Bond #21398 amount of \$248,315.18; (2) original and present Performance Bond #NZS 609140 amount of \$248,315.18; and (3) the original and present cash bond amount of \$55,181.15, posted by the Developer (as defined and described hereinabove) and being held by the Township for site improvements at the Rite-Aid site, Block 225, Lot 195, Marlboro, New Jersey, shall be released in their entirety, conditioned upon the payment of all

outstanding engineering inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance guarantee in the amount of \$82,771.73, such form of maintenance guarantee being subject to the review and approval of the Township Attorney; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Martin Heller
Steiner Equities Group, LLC
107 Route 79 Associates, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-399 (Cash Bond Release Milstein Site - 29A Wyncrest Road) was introduced by reference, offered by Council Vice President LaRocca and seconded by Council President Rosenthal. Township Engineer Ernest Peters answered Council's questions, after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-399

RESOLUTION AUTHORIZING RELEASE OF THE CASH BOND GUARANTEEING
ROAD RESTORATION FOR THE MILSTEIN SITE, BLOCK 206,
LOT 27.02, MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro has received a request for the release of a Township held cash bond guaranteeing road restoration in accordance with Chapter 120 of the Code of the Township of Marlboro in connection with the Milstein site, Block 206, Lot 27.02, Marlboro, New Jersey, posted by Jeffrey Milstein ("Developer") to guarantee road restoration of Wyncrest Road at the subject property; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated November 3, 2009 regarding the Milstein site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current cash bond in the amount of \$2,000.00, be released, provided that the Township

shall retain \$900.00 of the subject cash bond to complete road repairs to Wyncrest Road, and release the remainder of the cash bond in the amount of \$1,100.00 to the Developer; and

WHEREAS, the Township Council desires to release the cash bond in accordance with the recommendation of the Township Engineer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described cash bond in the amount of \$2,000.00 posted by the Developer (as defined and described hereinabove) and being held by the Township for road restoration of Wyncrest Road at the subject property known as Block 206, Lot 27.02, Marlboro, New Jersey, shall be released as follows: \$1,100.00 shall be released to the Developer and \$900.00 shall be retained by the Township of Marlboro to complete road repairs to Wyncrest Road at the subject property; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Jeffrey Milstein
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-400 (Bond Release /Landkor LLC - B. 176, L. 106) was introduced by reference, offered by Councilwoman Tragani and seconded by Council President Rosenthal.

RESOLUTION # 2009-400

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
LANDKOR, LLC AND LANDKOR REALTY, LLC,
BLOCK 176, LOT 106, MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for public site improvements at the IPPC/Landkor Realty, LLC site known as Block 176, Lot 106, Marlboro, New Jersey, (the "Site") posted by Landkor, LLC and Landkor Realty, LLC (collectively, the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 30, 2009 regarding the completion of the public improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees, in the form of a bond (Bond Number B1043984 in the original and present amount of \$581,157.70) and cash (the original and present cash amount of \$64,573.08) being held by the Township be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to time of the performance guarantee release, proof of filing of the Emergency Maintenance and Access Easement to Marlboro Township in accordance with the Planning Board's Resolution of Approval for the Site (Docket #942-05), and the posting of a two (2) year fifteen percent (15%) maintenance guarantee in the amount of \$96,859.62, such form of maintenance guarantee to be subject to the review and approval of the Township Attorney; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid cash Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantees in the form of a bond (Bond Number B1043984 in the original and present amount of \$581,157.70) posted by Landkor Realty, LLC and being held by the Township and cash (the original and present cash amount of \$64,573.08) posted by Landkor Realty, LLC and being held by the Township shall be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to time of the performance guarantee release, proof of filing of the Emergency Maintenance and Access Easement to Marlboro Township in accordance with the Planning Board's Resolution of Approval for the Site (Docket #942-05), and the posting of a two (2) year fifteen percent (15%) maintenance guarantee in the amount of \$96,859.62, such form of maintenance guarantee to be subject to the review and approval of the Township Attorney; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Landkor, LLC and Landkor Realty, LLC
- b. Selective Insurance Company of America
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator

- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-401 (Bond Reduction Hindu American Temple) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni. Township Engineer Ernest Peters answered Council's questions, after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-401

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE
GUARANTEE HELD BY THE TOWNSHIP OF MARLBORO FOR THE
DEVELOPMENT KNOWN AS HINDU AMERICAN TEMPLE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Hindu American Temple and Cultural Center, Inc., (hereinafter referred to as "Developer") for the reduction of the Township held Performance Guarantee in the form of Cash for site improvements at a development known as Hindu American Temple on the property known as Block 147, Lot 13 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated November 4, 2009, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends a partial reduction in the current Cash Performance Guarantee being held by the Township; and

WHEREAS, the Township Council desires to reduce the Cash Performance Guarantee amount in accordance with the recommendations of the Township Engineer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee in the form of Cash posted for the Development known as Hindu American Temple shall be reduced as follows:

The Cash Bond, in the original and present amount of \$1,349,048.52 posted in accordance with the Escrow Agreement between the Developer and the Township on September 10, 2008 shall be reduced by \$449,361.06, so that the amount to remain shall be \$899,687.46.

BE IT FURTHER RESOLVED, that the above reductions shall be conditioned upon the posting and payment of any outstanding review and/or inspection fees required.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Hindu American Temple and Cultural Center, Inc.
- b. Township Chief Financial Officer
- c. Township Engineer
- d. Township Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-354 (Authorizing Contract CME - 2009 Road Program) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-354

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES IN CONNECTION WITH THE 2009 ROAD PROGRAM, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, the Township is in the process of the making road improvements to Topanemus Road, Wyncrest Road and Gordons Corner Road (the "2009 Road Program") and is in need of professional engineering services for the design, bid phase and construction of the 2009 Road Program (collectively, the "Professional Services"); and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the above-described Professional Services for a fee not to exceed \$52,500.00 for such additional Professional Services as further described and set forth in CME's written proposal dated June 11, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # X-04-55-965-901; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to provide the required additional Professional Services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 26 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$52,500.00 for such additional Professional Services described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-339 (Authorizing Refund of Non-Residential Development Fees - Triangle Business Park) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Rosenthal and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-339

A RESOLUTION AUTHORIZING THE REFUND OF NON-RESIDENTIAL
DEVELOPMENT FEES TO TRIANGLE BUSINESS PARK, L.L.C.
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40:55D-8.6
AND AUTHORIZING THE TOWNSHIP TO SEEK REIMBURSEMENT
FROM THE NEW JERSEY AFFORDABLE HOUSING TRUST
FUND OF SUCH REFUNDED MONIES

WHEREAS, N.J.S.A. 40:55D-8.6, the Non-Residential Development Fee Act, provides for the refund of non-residential development fees collected by municipalities for non-residential development prior to July 1, 2010, provided that such non-residential developments have received either preliminary approval pursuant to N.J.S.A. 40:55D-46, or final approval, pursuant to N.J.S.A. 40:55D-50, prior to July 1, 2010 and provided that a permit for the construction of such project has been issued by the local enforcing agency in accordance with N.J.S.A. 52:27D-131 prior to January, 2013; and

WHEREAS, TRIANGLE BUSINESS PARK, L.L.C., (the "Developer") has applied for a refund of non-residential development fees for buildings, "D", "E" and "F" as follows: (1) Building "D" for the amount of Seven Thousand Four Hundred Sixty-Four Dollars and 62/100 (\$7,464.62); (2) Building "E" for the amount of Eleven Thousand Four Hundred Fifty-Six Dollars and 00/100 (\$11,456.00; and (3) Building "F" for the amount of Seven Thousand Four Hundred Sixty-Four Dollars and 62/100 (\$7,464.62), for a total amount of Twenty Six Thousand Three Hundred Eight Five and 24/100 Dollars (\$26,385.24) (collectively, the "Non-Residential Development Fees") collected by the Township of Marlboro, for the non-residential development known

as TRIANGLE BUSINESS PARK, (the "Non-Residential Development") located on the property known as Block 178, Lot 293, on the official tax map of the Township of Marlboro (the "Property"); and

WHEREAS, the Township Administration has reviewed the Developer's application for the refund of such Non-Residential Development Fees and has determined that the Developer has received either preliminary approval pursuant to N.J.S.A. 40:55D-46, or final approval, pursuant to N.J.S.A. 40:55D-50, prior to July 1, 2010 and that a permit for the construction of such project has been issued by the local enforcing agency in accordance with N.J.S.A. 52:27D-131 prior to January, 2013 and that the Developer is eligible for a refund of the Non-Residential Development Fees collected by the Township of Marlboro for the Non-Residential Development; and

WHEREAS, the Township Council of the Township of Marlboro is desirous of authorizing the refund of the aforescribed Non-Residential Development Fees to the Developer pursuant to the provisions of N.J.S.A. 40:55D-8.6.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the refund of Non-Residential Development Fees for buildings, "D", "E" and "F" as follows: (1) Building "D" for the amount of Seven Thousand Four Hundred Sixty-Four Dollars and 62/100 (\$7,464.62); (2) Building "E" for the amount of Eleven Thousand Four Hundred Fifty-Six Dollars and 00/100 (\$11,456.00; and (3) Building "F" for the amount of Seven Thousand Four Hundred Sixty-Four Dollars and 62/100 (\$7,464.62), for a total amount of Twenty Six Thousand Three Hundred Eight Five and 24/100 Dollars (\$26,385.24) (collectively, the "Non-Residential Development Fees") to the Developer known as TRIANGLE BUSINESS PARK, L.L.C., for the Non-Residential Development known as TRIANGLE BUSINESS PARK on the Property known as Block 178, Lot 293, on the official tax map of the Township of Marlboro be and is hereby authorized pursuant to the provisions of N.J.S.A. 40:55D-8.6; and

BE IT FURTHER RESOLVED, that the Township shall seek reimbursement from the State of New Jersey Affordable Housing Trust Fund pursuant to the terms and conditions of the Non-Residential Development Fee Act for reimbursement of the Non-Residential Development Fees as described hereinabove, by submission of a claim for such reimbursement to the New Jersey Council on Affordable Housing no later than March 30, 2010; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Triangle Business Park, L.L.C.
- b. Mayor Jonathan Hornik
- c. Marlboro Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-402 (Authorizing Developer Agreement V.L. Wyckoff, LLC) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-402

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND VL WYCKOFF REALTY,
LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE
LOCATED ON BLOCK 225, LOTS 232 AND 233, TOWNSHIP OF
MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On November 1, 2006, the Planning Board of the Township of Marlboro adopted a resolution granting Preliminary and Final Site Plan Approval for the site located on property known as Block 225, Lots 232 and 233, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey; and

WHEREAS, the Planning Board Resolution conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, VL Wyckoff Realty, LLC for the Preliminary and Final Site Plan Approval for the site known as Block 225, Lots 232 and 233, on the Official Tax Map of the Township of Marlboro, Monmouth County New

Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. VL Wyckoff Realty, LLC c/o Salvatore Alfieri, Esq.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolutions were introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 (Absent: Cantor): Res. # 2009-403 (Cancelling Revenues and Appropriations - 2009 Swim Budget), Res. #2009-404 (Chapter 159 - Community Development Block Grant), Res. #2009-405 (Chapter 159 - DOT 2010 Municipal Aid - Union Hill Rd.) and Res. #2009-406 - Chapter 159 - Dept. of Energy Efficiency and Conservation Block Grant)

RESOLUTION # 2009-403

WHEREAS, the levels of the anticipated revenue membership fees in the 2009 Swim Utility operating budget exceed 2009 collections, and

WHEREAS, appropriations exist in the 2009 Swim Operating budget that have been deemed to not be needed for the operations of the calendar year of 2009, and

WHEREAS, anticipated revenues and appropriations can be cancelled in the year budgeted,

NOW, THEREFORE, BE IT RESOLVED that the amounts of \$100,000.00 of the anticipated revenue of membership fees and the appropriations of \$60,000 in Capital Outlay, \$30,000 from Other Expenses, and \$10,000 from Salaries & Wages be hereby cancelled in the 2009 Swim Utility Operating Budget.

RESOLUTION # 2009-404

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE

AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$80,152.00, which item is now available as a revenue from the "Community Development Block Grant - Senior Center Renovations", and

Section 2

BE IT FURTHER RESOLVED that the sum of \$80,152.00 is hereby appropriated under the caption "Community Development Block Grant - Senior Center Renovations".

RESOLUTION # 2009-405

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in

the sum of \$225,000.00, which item is now available as a revenue from the "Union Hill Road - DOT Grant", and

Section 2

BE IT FURTHER RESOLVED that the sum of \$225,000.00 is hereby appropriated under the caption "Union Hill Road - DOT Grant".

RESOLUTION # 2009-406

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$162,300.00, which item is now available as a revenue from the "Department of Energy & Conservation Block Grant", and

Section 2

BE IT FURTHER RESOLVED that the sum of \$162,300.00 is hereby appropriated under the caption "Department of Energy & Conservation Block Grant".

The following Res. # 2009-407 (Transfers) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-407

RESOLUTION AUTHORIZING BUDGET TRANSFERS DURING LAST
TWO MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2009 Municipal Budget as follow:

From:

Roads S&W	95,000.00
Building & Grounds S&W	10,000.00
Court S&W	10,000.00
Finance S&W	10,000.00
Gasoline OE	48,250.00

To:

Recreation S&W	30,000.00	
Public Defender S&W	250.00	
Planning OE	88,000.00	
Telephone OE	15,000.00	
Electric	15,000.00	
Tax Collection OE	10,000.00	
Street Lighting	15,000.00	
Totals	173,250.00	173,250.00

The following Res. # 2009-408 (Authorizing Hiring & Payment Temporary Tax Clerk) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-408

A RESOLUTION AUTHORIZING AND RATIFYING A CONTRACT
AND PAYMENT TO CARL L. APPLGATE TO PERFORM SERVICES AS
AN INTERIM TAX CLERK FOR THE TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro Tax Collector's Office requires the services of an interim Tax Clerk, for the period of October 26, 2009 through November 30, 2009; and

WHEREAS, the Township of Marlboro has hired Carl L. Applegate to serve as an interim Tax Clerk for the Township of Marlboro for the period of October 26, 2009 through November 30, 2009, at the rate of \$25.00 per hour, for total compensation not to exceed \$4,000.00; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the contract with and payment to Carl L. Applegate for his services as an interim Tax Clerk for the Township of Marlboro, for the period of October 26, 2009 through November 30, 2009, at a rate of \$25.00 per hour, for total compensation not to exceed \$4,000.00, be and is hereby authorized and ratified; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for the amount of \$4,000.00 from Account No: 9-01-046-286; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Carl L. Applegate
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-409 (Acceptance letter of Resignation of Tax Collector Effective Dec. 1, 2009) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President LaRocca and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-409

A RESOLUTION ACCEPTING THE LETTER OF RESIGNATION FROM
SHIRLEY GIAQUINTO FROM HER POSITION OF TAX COLLECTOR
FOR THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro's Tax Collector, Shirley Giaquinto, desires to retire and has tendered her resignation letter, effective December 1, 2009 to the Township of Marlboro; and

WHEREAS, the Township of Marlboro is amenable accepting the Tax Collector's letter of resignation for an effective date of December 1, 2009.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the letter of resignation tendered to the Township of Marlboro by Shirley Giaquinto, Tax Collector, for an effective resignation date of December 1, 2009, be and is hereby accepted; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Shirley Giaquinto
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2009-414 (Redemption Tax Sale Certs. - Various), Res. #2009-415 (Refunds for Overpayments - Various), Res. #2009-416 (Raffle License Mon. County Educational Foundation) and Res. #2009-417 (Transfer of surplus K-9 vehicle to Keyport).

RESOLUTION # 2009-414

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$57,660.66 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale

certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$57,660.66 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
09-24	299 165&166	Plymouth Park Tax Services, LLC PPTS Lockbox PO Box 5822 New York, NY 10087-5822	\$16,079.84
09-33	360 33	Plymouth Park Tax Services, LLC PPTS Lockbox PO Box 5822 New York, NY 10087-5822	22,596.99
07-28	417 19.13	American Tax Funding, LLC BMO Capital Markets Corp. PO Box 862658 Orlando, FL 32886-2658	18,721.20
09-116	176 7 C0869	Josef Hoffmann 326 Shady Lane Trenton, NJ 08619	262.63
869 Mariposa Ct.			
TOTAL:			<u>\$57,660.66</u>

RESOLUTION # 2009-415

WHEREAS, the attached list in the amount of \$2,398.47 known as Schedule "A", is comprised of amounts representing overpayments for 2009 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
312	19	Wells Fargo Home Mortgage	\$2,008.41
10 Rene Dr.		MAC X2302-04D Tax Dept. 1 Home Campus Des Moines, IA 50328 Assessed Owner: Vanacour, Elliot & Joyce	
315	4	First American Real Estate Tax Service	\$390.06
10 Hemlock Ln.		Attention: Refund Dept. 1 First American Way West Lake, TX 76262 Assessed Owner: Ferrovicchio, Larry & Sue Ellen	
TOTAL:			\$2,398.47

RESOLUTION # 2009-416

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 29-09/10 (Off Premise Merchandise) be and it is hereby granted to Monmouth County Education Association Philanthropic Fund, 28 Buckley Road, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 15, 2010 at 5 PM at 28 Buckley Road, Marlboro, NJ 07746.

RESOLUTION # 2009-417

A RESOLUTION AUTHORIZING THE SALE OF PERSONAL
PROPERTY NOT NEEDED FOR PUBLIC USE

WHEREAS, the Township of Marlboro wishes to dispose of certain items of personal property which are in the Township's possession and not otherwise needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36(2) states that personal property of a municipality, not otherwise needed for public use, may be sold to another contracting unit without publicly advertising for bids; and

WHEREAS, the Township of Marlboro wishes to transfer ownership of one surplus K-9 Patrol Unit to the Borough of Keyport for an amount not to exceed one dollar (\$1.00); and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. The Township is authorized to transfer ownership of said surplus property to the Borough of Keyport for an amount not to exceed one dollar (\$1.00).
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Borough of Keyport Police Department
70 West Front Street
Keyport, New Jersey 07735
 - b. Marlboro Jonathan L. Hornik
 - c. Marlboro Township Administrator
 - d. Marlboro Township Chief of Police
 - e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 11:45PM, Council President Rosenthal moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: December 17, 2009

OFFERED BY: Marder AYES: 4

SECONDED BY: La Rocca AYES: 0

ABSTAIN: Cantor

ALIDA MANCO,
MUNICIPAL CLERK

STEVE ROSENTHAL,
COUNCIL PRESIDENT